

Adversary Case Opening

- Step 1** Click on the **Adversary** hyperlink on the CM/ECF Main Menu Bar.
- Step 2** The **ADVERSARY EVENTS** screen appears (See Figure 16-1).

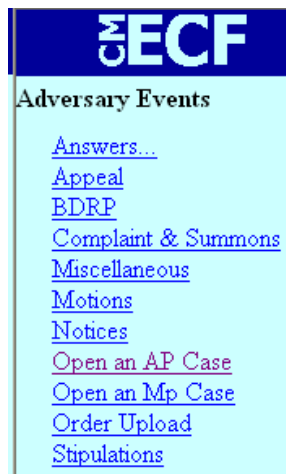


Figure 16-1

- Click on the **Open an AP Case** hyperlink.
- Step 3** The **CASE DATA** screen appears (See Figure 16-2).
- Accept the default, click **[Next]**.

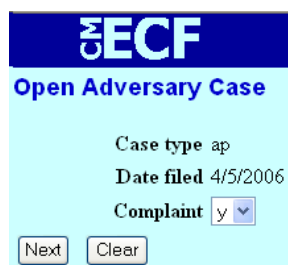


Figure 16-2

- Step 4** The **Request to Enter Lead Case Number** appears (See Figure 16-3).

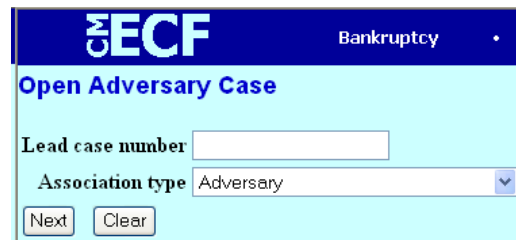


Figure 16-3

- Enter lead case number. The association type is defaulted to Adversary.
- Click **[Next]**.

The adversary case will be assigned to the same divisional office and Judge based on the lead case number.

- Click **[Next]**.

- Step 5** The **Search for a Plaintiff** screen appears (See Figure 16-4).

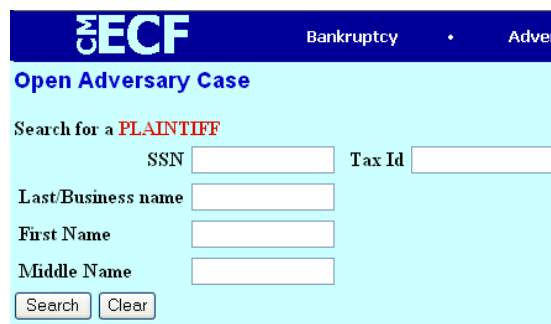


Figure 16-4

- Search for the "Plaintiff" by business name, SSN or Tax ID. Click **[Search]**.
- Select the party from list or create new party.

Step 6 The **Plaintiff Information** screen appears (See Figure 16-5).

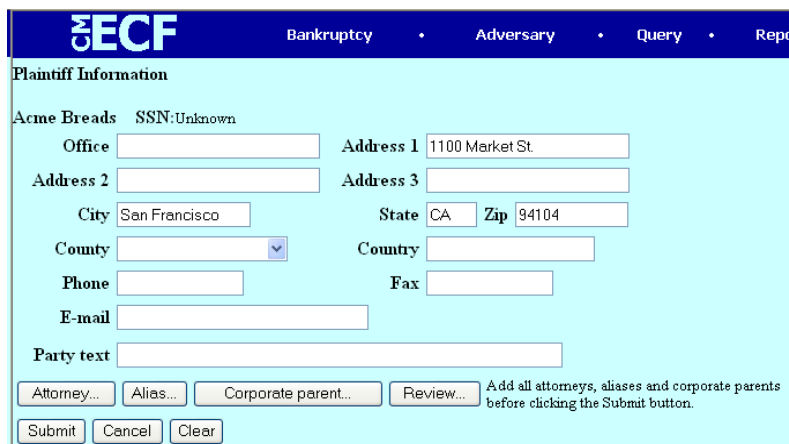


Figure 16-5

- Add yourself as the attorney for the party.
- Select **Add Attorney**.

Step 7 The **Search for Attorney** screen appears (See Figure 16-6).

- Search for your name. Enter **Last Name** and/or **BAR ID**.

Note: You may need to insert a zero ("0") preceding the BAR ID if a match is not located.

- Select attorney name from the list.
- Select **[Add Attorney]**.
- Click **[Submit]**.



Figure 16-6

Step 8 The **Search for a Plaintiff** screen reappears (See Figure 16-4).

- If there are additional plaintiffs, continue to add the plaintiffs until they are all included in the case. Click **End plaintiff selection**.

Step 9 The **Search for a Defendant** screen appears (See Figure 16-7).

Figure 16-7

- Search for the “Defendant” by business name, SSN or Tax ID. Click **[Search]**.
- Select the party from the list or create a new party.
- Click **[Submit]**.

Step 10 The **Defendant Information** screen appears (See Figure 16-8).

Figure 16-8

- Click **[Submit]**.

Step 11 The **Search for Defendant** screen reappears (See Figure 16-7).

- If there are additional defendants, continue to add the defendants until they are all included in the case. Click **End defendant selection**.

Step 12 The **STATISTICAL DATA** screen appears (See Figure 16-9).

The screenshot shows the 'Open Adversary Case' screen in the ECF system. The top navigation bar includes 'Bankruptcy', 'Adversary', 'Query', and 'Reports'. The main form area is light blue and contains the following fields:

- Party code:** A dropdown menu with '3 U.S. not a Party' selected.
- Rule 23 (class action):** A dropdown menu with 'n' selected.
- Jury demand:** A dropdown menu with 'None' selected.
- Demand (\$000):** An empty text input field.
- Select primary nature of suit first:** A dropdown menu with '0 (Please select a Nature of Suit)' selected.
- Secondary nature[s] of suit:** A list box showing several options: 'None', '424 (Obj/Revocation Discharge 727)', '426 (Dischargeability 523)', '434 (Injunctive Relief)', '435 (Validity/Priority/Extent Lien)', and '454 (Recover Money/Property)'. The 'None' option is currently selected.

At the bottom left of the form are two buttons: 'Next' and 'Clear'.

Figure 16-9

- Complete the statistical information. The primary nature of suit **must be selected first**. If there are additional nature of suits, please select from the second nature(s) of suit box.

Note: The following question will appear. Please enter the applicable answer.

Step 13 *Is the plaintiff the trustee? Please enter **[y or n]**.*

If you answer **[Y]** *skip to Step 14.*

If you answer **[N]** the following question will appear.

*Is the plaintiff a debtor or child support creditor? Please enter **[y or n]**.*

If you answer **[N]** *skip to Step 15.*

Step 14 If you answer **[Y]** that the plaintiff is a trustee, the following question appears:

Are you paying the filing fee now? Please enter **[y or n]**.

If you answer **[N]** the following reminder appears:

You must file an application to defer filing fee in this adversary immediately after the complaint has been filed.

- If you answer **[Y]**, click **[Next]**.

Step 15 Select browse to associate the PDF of the complaint only; mark “Y” for the radio button attachments to documents. Click **[Next]**.

- Select browse and attach the PDF of the AP cover sheet for the complaint.
- Select AP cover sheet as the attachment type. Click **[Add to List]**.
- Select browse and attach the PDF of the Summons. Select Summons as the attachment type. Click **[Add to List]**. Click **[Next]**.

Note: In the ***Oakland and San Francisco Divisions only***. ***DO NOT DOCKET*** the “Discovery Order.” The court will mail a copy of the order with the “Summons Issued” to the attorney.

Note: The fee amount appears.

- Click **[Next]**.
- Click **[Next]**.

Note: The final docket text appears.

- Click **[Next]**.
- Submit payment.

The Complaint appears in both the adversary and the base cases.

Things to Remember in Adversary Cases

- Don't forget to add yourself as the attorney for the plaintiff.
- Attach the *Summons* as an attachment.
- Attach the *cover sheet* as an attachment.
- ***Do not*** file *Alias Summons to be Issued*. This should be sent to the court in hard copy format.
- ***Do not*** add the attorney for the defendant. They are added to the case when they file the *Answer*. Include the defendants address.
- Change the **Y** to an **N** in the **Case Opening Screen** if the case is a ***removal***.
- The **Open Adversary** event will also docket to the base case and create an entry on the docket showing the filing of the adversary case.
- After the *Summons* is served, file the *Summons Service Executed*.